



Rio Arriba County Detention Center (RACDC) POLICY 099 PERSONNEL SEXUAL HARRASSMENT

This workplace harassment policy is intended to promote a safe and harmonious work environment free from all forms of unlawful harassment. All employees are responsible for knowing and following this policy.

Rio Arriba County Detention Center, (RACDC) is committed to reasonable steps to provide a professional working environment free from all forms of harassment, whether based on sex, sexual orientation, gender identity, race, color, religion, national origin, age, disability or other protected classification. Although this policy focuses on sexual harassment, it applies equally to all forms of harassment based on a protected classification and the procedures described in this policy shall be followed for all such harassment. This policy also applies when a Detention Center County employee is subject to harassment in the workplace by someone outside the County.

All Detention Center County employees and members of the public have a right to be free from harassment from employees on official duty for the County. Detention County employees are forbidden from engaging in harassing conduct in the workplace. Employees are also forbidden from engaging in conduct outside of work that creates a hostile work environment at work. Any act of harassment based upon a protected classification is a violation of RACDC policy.

Definition of Sexual Harassment

According to the EEOC, sexual harassment is any unwelcome sexually oriented behavior, demand, comment or physical contact initiated by any individual at the work place when:

- A. Submission to such behavior is made either explicitly or implicitly, a term or condition of an individual's employment;
- B. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions/opportunities affecting such individual or
- C. Such conduct has the purpose of effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

Examples of Sexual Harassment

Sexual harassment can occur in a variety of forms. Harassing conduct based on gender often is sexual in nature but sometimes is not. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature. Sexual harassment is unacceptable in the workplace itself and in other work-related setting such as business trips and business -related social events. The following are some common examples of behavior or situations that may constitute



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sexual harassment if they are unwelcome and if they create a hostile, intimidating or offensive work environment:

- Oral or written sexual statements, comments, jokes, questions, or innuendoes;
- Display of sexually oriented visual items such as calendar, cartoons, photos or posters;
- Assault, molestation or unwelcome physical contact such as kissing, touching, patting, pinching, brushing against or hugging;
- Requests, demands or subtle pressure for sexual activity;
- Threats or retaliation against an employee who refuses unwelcome sexual attention or sexual behaviors;
- Overt promises or practices that imply preferential treatment for any employee in exchange for dates, sexual attention or sexual behavior;
- Sexual insults and suggestions including, but not limited to, lewd remarks, obscene gestures and sexually suggestive materials;
- Any conduct that ridicules, or is malicious or abusive to, an individual because of the individual's gender;
- Pressuring an employee to go out on a date; or
- Asking employee questions of a sexual nature.

Responsibility to Report Harassment

Any employee, who believes they are a victim of harassment because of their protected classification, should first confront the person or persons responsible for the offensive behavior and indicate that it is unwelcome and should be stopped. The employee has the obligation to promptly report the matter to the Administrative Assistant IV, Assistant Detention Administrator or to the Detention Administrator. These are the individuals who are authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of the County Detention. All employees who observe, or become aware of harassment, also have an obligation to bring the matter to the attention of the Administrative Assistant IV, Assistant Detention Administrator, or Detention Administrator even if they are not the victim of harassment.

Investigation of Complaints

It is the County Detention Center's intent to provide a fair process for investigating and resolving complaints of harassment.



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The County Detention Center will investigate all reports of alleged harassment using Appendix-A, Sexual Harassment Incident Report. Information associated with the investigation will be kept confidential, to the extent possible, and consistent with the County Detention Center's obligation to investigate promptly and thoroughly. All employees are required to cooperate with any investigation by the County in response to an allegation of harassment. Refusal to cooperate in an investigation may result in disciplinary action, up to and including termination.

Protection Against Retaliation

The County Detention Center will not retaliate against an individual who reports sexual harassment in good faith and such retaliation in and of itself is grounds for disciplinary action, up to and including termination without prior progressive discipline. Retaliation is a serious violation of this policy and should be reported immediately.

Discipline

Unlawful harassment, including sexual harassment, of employees, or members of the public, may be cause for dismissal. If the County Detention Center determines that harassment has occurred or that counseling, training, disciplinary measures or termination are appropriate, it will take appropriate measures to correct the problem following County Detention Center disciplinary procedures. Serious cases of harassment constitute cause for termination with prior progressive discipline. Any qualifying disciplinary action must follow the grievance process.

Employees who knowingly make false allegations of sexual harassment may be subject to disciplinary action.

Mandatory Training

Periodic mandatory training for all employees, including, supervisors, case manager, maintenance supervisor and administrators will be provided by the County Detention Center to increase knowledge for the workplace harassment policy, state and federal laws and the process for enforcing the policy.

Vendors and Customers

Employees should report sexual harassment from vendors, customers, other county's employees and the general public utilizing this Policy.